

III. LEGAL PROCEDURES USED DURING THE SALEM WITCH TRIALS AND A BRIEF HISTORY OF THE PUBLISHED VERSIONS OF THE RECORDS

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The story of the 1692 Salem Village witchcraft outbreak is a fairly minor, though well-recorded, topic in world history. Its popular fascination continues to be out of proportion to its relative historical importance and remains the subject of innumerable scholarly as well as popular books and articles.

Unlike most of the previous witchcraft cases in old and New England, a significant number of the legal papers of the 1692/93 Massachusetts proceedings have survived. Today, preserved within judicial archives and various manuscript repositories, are around 950 of these legal and court papers representing more than 140 individually named witchcraft cases. Included among these documents are complaints, warrants and returns, mittimus, depositions, preliminary examinations, indictments, summonses, recognizances, petitions, letters, and confessions. The Salem witchcraft cases have always afforded researchers a fairly extensive accumulation of primary source documents representing a diversity of people, yet combined into a body of knowledge that is manageable enough to be examined by authors and historians in microcosm. In popular culture the topic also possesses both the mysterious quality of the occult and a "Who dunnit?" mystique, factors that have combined to keep Salem witchcraft an active subject of popular history and university presses.

Many of these researchers into the Salem witchcraft events have, however, relied heavily upon printed transcripts of the original documents replicated in seventeenth-century writings of Cotton Mather, Robert Calef, and John Hale, as well as later transcriptions of the documents produced during the eighteenth, nineteenth, and twentieth centuries. Unfortunately such a reliance upon gathered transcripts, with their various inherent transcription weaknesses, including misread words, deletion of words and lines of text and other similar mistakes creeping

into the transcripts, has resulted in minor and even major mistakes becoming accepted as part of the traditional body of facts. It was the realization of this imprecision of previous transcription projects and the complexity of creating a new, more accurate edition that led this new work's editor-in-chief Bernard Rosenthal to ask others to join him as Associate Editors to create a new, more accurate and comprehensive edition. The project has required retranscribing all extant manuscripts.

Concurrently, we have also searched for previously unidentified witchcraft legal records awaiting discovery in traditional library and archive sources or from within private collections. As a result of this new project and contributed searching by its editors, more than thirty documents or portions thereof previously unknown, or not previously published in full transcription projects, have come to light and been made part of this new edition. We also determined to include transcriptions of original documents, now lost save for their being reprinted in earlier published sources, and also to augment this body of legal documents with a finite number of 1692 contemporary descriptions reflecting specifically on the legal process of the cases. Included in this category of documentation are such sources as the 1692 published description of the examinations of Martha Cory and Rebecca Nurse as recorded by Rev. Deodat Lawson in his short but important tract, *A Brief and True Narrative of Some Remarkable Passages Relating to Sundry Persons Afflicted by Witchcraft, at Salem Village*.

LEGAL PROCEDURES – PRELIMINARY EXAMINATIONS

In order to understand the documents and their context best, one must be aware of the judicial procedures followed

by the Puritans of late seventeenth-century Massachusetts. The Massachusetts legal system generally followed a procedural pattern used by its English counterparts in the mother country. If brought as far as to a jury trial, an accused person would of necessity go through three distinct legal processes. During any of these three legal steps new documents could be introduced into the case. Following arrest, the accused would go through the first step, being a preliminary hearing. If not released, but rather held for further legal action, the accused would at some point be brought before a grand jury that would determine whether the charge warranted a trial. If the grand jury thought it did, a "true bill" would be returned and the third process, arraignment and a jury trial, would ensue. During each one of these procedures evidence would be produced in written form, such evidence possibly incorporated with new evidence generated during the next step of legal action.

When there was suspicion of a crime, or when an adult wanted to report illegal activities to the authorities for potential legal action (in this case a suspicion of witchcraft being practiced), the informant would make a formal accusation before a local justice of the peace, more commonly referred to as a "magistrate." The informant could make the accusation on behalf of another, as for example in many Salem cases when an under-age child was an apparent victim of another's witchcraft. Upon a formal complaint being made to a magistrate, that official would issue a warrant requiring the county sheriff or a local constable to bring the accused before authority at a specific date and place and there to be examined relating to the accusation. Normally, bond would be posted by the person making the complaint as surety that he would follow through on it. For whatever reason, this procedure was not followed in the early stages of the 1692 witchcraft cases.

Upon serving the warrant, the officer would physically bring the accused before the magistrate. He would subsequently note in writing a "return" on the warrant indicating its successful (or unsuccessful) execution. An examination, the first of three potential legal steps, would be conducted by one or more magistrates. Their task was to determine whether the accusation had any true substance. If in the opinion of the magistrates there was enough information gathered from the accused and/or from others present as having witnessed illegal activity, the accused could be held for trial before the appropriate court. At the county level was the Quarterly Court with an internal grand jury system

of its own that could try both civil and criminal cases, except in those cases where punishment could be for life, limb, or banishment. The Court of Assistants would hear capital cases or cases referred on appeal from the county courts.

The typical witchcraft warrant issued by a magistrate in 1692 would state the name of one or more male adults who swore to the complaint, along with the names of the persons who claimed that the accused practiced witchcraft upon them. The first of the Salem witchcraft apprehension warrants were issued on leap-year day, February 29, 1692, under signatures of local Justices of the Peace John Hathorne and Jonathan Corwin. Three Salem Village residents, Sarah Osburn, Sarah Good, and Tituba, were seized and brought to Nathaniel Ingersoll's Ordinary for a March 1, 1692, examination by the two Salem magistrates. News of the examinations, as well as a previously scheduled earlier morning village meeting, ensured a large public presence for this very unusual and exciting local event. The crowd of spectators was so large that the place of examination was changed to the more spacious Salem Village Meeting House, located just a short distance down Meeting House Lane from Ingersoll's Ordinary.

The examination procedure followed with these and with subsequent suspected witches took on a similar form when conducted in public places. Though some examinations would eventually be conducted in jail, they were often follow-up examinations after earlier public questioning of a suspect. Eventually many towns in Essex, Middlesex, and Suffolk Counties produced witch suspects. The examinations, no matter the town of origin, usually were within the geographical boundaries of Salem, the shire town of Essex County. Several examinations, both early and late in the chronology of the witchcraft events, took place in Ipswich and elsewhere, but these non-Salem locations were the exceptions. Most of the examinations conducted during the first several months of the perceived witchcraft outbreak took place at Ingersoll's Ordinary or at the Salem Village Meeting House (both located on what is now Hobart Street in Danvers), within the Salem Village Parish of Salem town. Later both the Salem Meeting House (the site located on present-day Washington Street in Salem) and the Thomas Beadle Tavern (the site located on present-day Essex Street in Salem) were also scenes of witchcraft examinations. In the seventeenth century, ordinaries (public places where people could purchase food and drink), taverns (places where people could sleep over, as well as obtain nourishment), and meeting houses

(places where religious and civic meetings were conducted) were public spaces used for all manner of local gatherings.

As to the physical setup of the preliminary hearings, it appears that the magistrates would position themselves in seats before a table and face the accused, witnesses, and spectators. Meeting houses generally had as part of their furnishings a long joined table used for church communion and civic meetings. Such a table could well serve the use of the magistrates. Several references indicate that the accusing persons sat in the front facing the magistrate's table. In a meeting house, the accused would stand within one of the front rectangular, waist-high, wooden-walled pews, the pew rail around the top serving as the bar before which the accused stood. Witnesses and curious spectators would sit in pews or on stairs, or stand in the alleys, with any overflow crowd viewing from outside through window openings.

Nathaniel Cary, husband of Elizabeth Cary, who was accused of witchcraft, gave a graphic account of the abuse his wife suffered. A portion of his account spoke of the physical layout during an examination he witnessed at the Salem Village Meeting House on May 24, 1692. "The Prisoners were called in one by one, and as they came in were cried out of, &c. The Prisoner was placed about 7 or 8 foot from the Justices, and the Accusers between the Justices and them; the Prisoner was ordered to stand right before the Justices, with an Officer appointed to hold each hand...."¹ At most public examinations, the proceedings usually began with prayer by a minister, followed by a reading of the warrant and the accused being asked to answer the charge.

At least two magistrates were always present to question the accused. If it was believed that other adults had information pertinent to the accusations, a magistrate might have previously issued a summons instructing a constable to have such witnesses appear before them to give such testimony. Though testimony at these preliminary hearings could be given orally, there is much evidence that depositions would be drawn up prior to the examination. And if the accused went to trial, the majority of evidences heard at trial would be in written form. This preference for written evidence dates back in Massachusetts to 1650 when, because of the inconvenience of the court recording voluminous oral testimony, the quarterly courts declared that henceforth all testimony was to be given in writing and

that it would be attested in court if the witness lived within ten miles of it, or before a magistrate if the witness lived at a greater distance. And though this procedure refers to Quarterly Court cases, there is evidence that it was also followed in preliminary hearings.²

DEPOSITIONS AND EXAMINATIONS

Depositions, also referred to as "testimonies" or "statements," were a familiar class of legal documentation in which one or more people gave personal evidence that reflected upon someone, usually an accused person.³ The quality of depositions ran the gamut from valid, eyewitness testimony to second-hand rumors, hearsay testimony, and fits of fancy. In every settlement there were at least several men who could write clear, readable English, and as a favor or for a fee would write up for their neighbors such legal documents as wills, promissory notes, deeds, and depositions. Thomas Putnam (1652–1699) was a prominent yeoman in Salem Village who had served in King Philip's War. For many years as the parish clerk, he had written up the records of transactions of Salem Village, as well as performed other writing chores for his neighbors. Thomas Putnam was the eldest son of one of the most prominent patriarchs in the village and, along with his wife Ann (Carr), was an original 1689 covenant member of the Church of Christ at Salem Village. Among the earliest accusers in 1692 were Putnam's twelve-year-old daughter Ann Jr. and his wife, who both claimed to be afflicted by witches. They both also testified in numerous cases as accusations spread, although Ann Jr. accused far more frequently. Examination of the handwriting of the witchcraft legal documents reveals that Thomas Putnam wrote out a large number of depositions of numerous accusers and other supporting witnesses. These documents were used as evidence at examinations, at grand juries (often called juries of inquest), and during the trials themselves. Thomas Putnam's household was in the very thick of the events, not only as claimed victims of witchcraft, but with Thomas himself at the least being a complainant against thirty-five persons and giving testimony against seventeen accused. And at the same time he was recording, even fashioning, a good amount of the evidences presented.

² *Records and Files of the Quarterly Courts of Essex County* (Salem, MA, 1911), v. I, p. vi.

³ For other discussion on depositions and examinations, see Linguistic Introduction.

¹ Robert Calef, *More Wonders of the Invisible World* (London, 1700), p. 96. No. 203.

By a close inspection of many of these depositions, one can notice changes in color of ink, the varying pressure and amount of the ink applied to the paper by quill pens, and obvious additions or deletions of words. Through such painstaking scrutiny it becomes clear that many of these depositions were not created at one sitting. Rather, the text was often added to at a later time with additional information written into a deposition as a continuation of the text following its initial creation. Sometimes a deposition is added to reflecting occurrences at the accused's preliminary examination, whereas at other times material is added prior to a grand jury hearing or trial.

Several very obvious examples should suffice. On May 9, 1692, a presently unidentified person wrote down the testimony of one of the accusers, Elizabeth Hubbard, concerning George Burroughs, whose spectre she claimed had appeared to her. This handwritten testimony was read that same day during Burroughs's examination. Rev. Samuel Parris (1653–1720), the minister at Salem Village who was requested to record the Burroughs examination, notes that Hubbard and other of the "afflicted" girls' "... Testimony going to be read & they all fell into fits." After the examination was concluded Thomas Putnam took this original deposition and beginning where the previous text left off, he added a description of what transpired at the hearing beginning: "... also on the: 9th may 1692 being the time of his Examination Mr. George Burroughs or his Apperance did most greviously affect...." Further notes on the bottom of the testimony show that this same document was introduced for use at the grand jury inquest of August 3, 1692, and was sworn to for use during Burroughs's trial on August 5, 1692.⁴

Another clear example of text being added is seen in the deposition of Mercy Lewis (a servant in the Thomas Putnam house) recorded in the handwriting of Thomas Putnam on May 10 or early May 11, 1692, relating to the apparition of George Jacobs Sr. hurting Lewis. At Jacobs's examination before magistrates on May 11, Rev. Parris, again being asked to take down testimony, records: "Mercy Lewes testimony read." This reference is undoubtedly to the deposition written by Putnam. Then following the Jacobs examination, during which Jacobs's spectre continued to hurt the girls, this same Lewis deposition used at the examination is expanded with new text added by Thomas Putnam. Putnam picks up exactly where the previous text left off, the ink color and thickness changing,

while the chronology of events recorded continues into events during the examination itself. The new added text by Thomas Putnam begins at the tail end of the original last sentence at a semicolon to read ": also on the 11th may 1692 being the day of the Examination of George Jacobs then I saw that it was that very man...." As is the case for many depositions, this same document was later also presented at Jacobs's grand jury inquest, as noted at the bottom of the deposition in someone else's hand. The names of two other accusers, Mary Walcott and Elizabeth Hubbard, present in the added-to deposition of May 11 are now scratched out in the text body, in an apparent cleaning up of the deposition to use it solely as a Mercy Lewis statement.⁵

Yet another example of clearly added text by Thomas Putnam is seen by examining the original deposition of Mary Walcott v. John Willard following his May 18 examination. In this case, however, Walcott's testimony is not mentioned in the examination record itself.⁶ Thus depositions were not necessarily documents generated at one time, but rather could be drawn up before an examination, expanded upon after the examination, corrected or altered to be useful at other legal proceedings, and sometimes read for use at a grand jury session and/or at an eventual trial.

The surviving witchcraft legal papers, though extensive, are far from complete. Even the most cursory perusal of the approximately 950 extant records will quickly show significant gaps in which now missing documents can be presumed to have been originally produced and used. It appears, for example, that every accused person when brought before local magistrates for examination should have had his or her examination recorded on paper in some form. Though many of these examinations do survive, there are significant gaps. At least fifty-eight named cases remain where no examination is extant, though other documentation indicates examinations were, in fact, held. Documents in other categories, including complaints, warrants, depositions, and indictments, are also known to be missing, as references to them in other documentation point to their original existence.

Some of these documents may still be awaiting discovery, either in private, unknowing hands or buried away in institutions and not yet uncovered. While this edition was in its research phase, three of the editors, as well as several colleagues, uncovered a number of documents in various locations. Also, the first witchcraft documents offered on

⁴ No. 120; No. 122.

⁵ No. 133; No. 134.

⁶ No. 180.

the open market in many years became available, being a deposition and an indictment concerning Margaret Scott. The documents were offered for well over \$100,000, indicating the high monetary value of these and other yet undiscovered documents.⁷

Though a good portion of the extant witchcraft legal records are made up of repetitive, formulaic warrants and indictments, the most revealing are those represented by depositions and examinations. Depositions make up about 400 of the documents, close to half of the surviving 1692 legal papers. They are rich in folk detail and give us a sampling of speech patterns and pronunciations, together with the concerns, mentionings of everyday objects, and the lifestyle of the seventeenth-century common person.⁸ The preliminary examinations are also rich for historical and linguistic study. These hearings include about 100 surviving manuscripts. The editors of this new transcription edition are fortunate to be able to add to this group of examinations, in addition to other new finds, five more that we located in recent years. These examinations are of Giles Cory held on April 18, 1692 (this examination only surviving as an 1823 transcription of the original written by Rev. Samuel Parris); Ann Dolliver held on June 6, 1692 (the original document written by Simon Willard); Mary Ireson held on June 6, 1692 (the original document written by Simon Willard); Daniel Eames held on August 13, 1692 (the original document written by John Higginson Jr.); and Margaret Prince held on September 5, 1692 (a 1936 published facsimile copy of the original document written by Simon Willard).⁹

Examinations are particularly interesting and worthy of careful comparison when two or more versions of the same hearing were recorded. At the March 1, 1692, examinations of Tituba, Sarah Good, and Sarah Osburn, no fewer than four men took down testimony – Ezekiel Cheever, Jonathan Corwin, John Hathorne, and Joseph Putnam. The event was so unusual and important that several records were made of it. The Bridget Bishop examination of April 19, 1692, likewise comes down to us in versions taken down by both Rev. Samuel Parris and Ezekiel Cheever. Such transcripts give us an opportunity

to compare what recorders believed to be important to note and how close direct testimony quotations compare to one another when recorded by more than one person.

Rev. Samuel Parris took down a large portion of the earliest hearing examinations. Parris's choice by the magistrates to serve as recorder was probably obvious to them. He was the titular spiritual leader in the village where the earliest examinations took place, one familiar with the local people involved, and wrote with a very clear, readable hand. It apparently was not problematic to the magistrates or others that members of Parris's family were sufferers of the invisible world, that he himself gave depositions against some of the accused, or that his own slave was one of the suspected witches.

Besides Rev. Parris, several other men were requested to take down testimony at witchcraft examinations during the ensuing months. Hearings continued from March 1 until the end of September 1692. Captain Simon Willard (1649–1731), a Salem weaver and clothier who in the early 1690s had served as a Salem constable, recorded a number of examinations. He was brother of Rev. Samuel Willard, who had experienced a witchcraft case firsthand as a young minister at Groton, Massachusetts, and who by 1692 was minister at the South Meeting House in Boston and sympathetic to many of the accused. Salem merchants William Murray (b. 1656) and John Higginson Jr. (1646–1720) were also called upon to write down examinations. Higginson was son of the pioneer Salem minister Rev. John Higginson and was also a justice of the peace, and as such also participated in the questioning of accused during a number of examinations.

A researcher utilizing any of these seventeenth-century primary source examinations must understand that in reading them we see events through the eyes, writing style, and prejudice of the original recorder, whose perception of the reality of that time may not be reality itself. Typically the men who wrote these examinations were not neutral court officers, but rather persons deeply concerned with and involved in the Puritan community. They jotted down what they believed to be significant, and given the slowness of writing with pen and ink, the best of them could not capture all the words and actions taking place around them. Rev. Samuel Parris was a fervent believer in the reality of a witch attack on Salem Village, although even with his built-in biases, he felt an obligation as a recorder and undoubtedly attempted to do this duty well. At the end of a May 2, 1692, transcript made

⁷ Through the courtesy of the current owner, transcripts were made from facsimiles provided to us of these two Scott-related documents and included within this volume: No. 471 and No. 641.

⁸ For additional material on speech patterns and pronunciation, see the Linguistic Introduction.

⁹ No. 65, No. 309, No. 310, No. 509, No. 545.

during the examination of an accused person, Parris notes, “This is a true account of the Examination of Dorcas Hoar without wrong to any party according to my original from Characters at the moments thereof.”¹⁰

As a recorder Parris appears to have made quick, real-time notations during the examinations, later recopied to present a more accurate and physically tidy record. His reference to “my original, from characters at the moments thereof” appears to refer to his original draft. Some have speculated that Parris took examination notes using a form of shorthand.¹¹ Indeed a sampling of his shorthand survives on the reverse of the May 9, 1692, examination of George Burroughs, these shorthand notations referring to a Bible text and apparently having no relationship to the examination. No extant example exists, however, of his using shorthand relative to the witchcraft legal records, and it could be that his reference to “characters” simply means draft handwritten material. This indication is somewhat strengthened when one notes that two surviving examinations, those of Susannah Martin on May 2, 1692, and of John Willard on May 18, 1692, include two copies each, both written by Parris. In each case one copy appears to be an early version and the second copy a later, revised version. Though the content is essentially the same, in the revised version Parris’s handwriting appears more carefully transcribed, and occasionally a few words are added to explain better the meaning from that of the earlier draft. In both surviving cases the second text appears to be a slight revision, rather than simply an additional copy. Of the two copies of the Willard examination, the one that appears as a revised draft, No. 174, includes Parris’ notation about his attempting to be accurate, whereas what seems to be the first draft, No. 173, has no such note.¹²

THE COURT OF OYER AND TERMINER

Because of the severe, secret, and potentially decimating crime of witchcraft being apparently perpetrated in 1692 Massachusetts, many of the accused people were transferred from local lock-ups to more substantial jails in Charlestown and Boston. Various mittimus were issued for these transfers, they being a formal writ transferring a prisoner from one court or legal jurisdiction to another.

¹⁰ No. 102. Parris repeats this statement at the end of the May 18 examination of John Willard, No. 174.

¹¹ For a different view on the issue of “characters” and “shorthand,” see the Linguistic Introduction. No. 174.

¹² No. 120; No. 104; No. 105; No. 173; No. 174.

In May 1692, a new royal governor appointed by King William and Queen Mary arrived in Massachusetts with a new governmental charter. What Sir William Phips found was a judicial and public order crisis in which scores of people accused as witches were languishing in overcrowded jails. The new governor was advised by several influential persons to speedily establish a special court to handle the judicial backlog, even before the accession of a new General Court. On May 27 a Special Commission of Oyer and Terminer was promulgated “in council” by Phips with authority to “hear and determine” the ever-growing number of cases of persons held under suspicion of practicing witchcraft.¹³ The court was to act “according to the Law, & Custom of England, and of this their Majties Province.”¹⁴ The judge-commissioners appointed by Phips were headed by newly appointed Lieutenant-Governor William Stoughton and included eight other prominent men in government and commerce. Five justices would constitute a quorum to hear cases. As was typical throughout the English colonies and in the mother country itself, trial judges were seldom lawyers or students of the law, though from experience within multiple offices of government all the newly appointed judges possessed political and practical experience. Most of the appointed commissioners who were local magistrates or served on the Court of Assistants had experience in hearing and judging all manner of civil and criminal cases. It would be their duty to see to it that all sides of a case were given an appropriate and fair hearing.¹⁵

The only lawyer generally present at a colonial trial was the Crown’s attorney general. His job was to bring accused persons through the grand jury process, and if bills of indictments were approved, to prosecute those persons at the resulting trial. Thomas Newton (1660–1721) was appointed attorney general and began serving on May 27. Newton prosecuted all Oyer and Terminer cases, beginning June 2, and served in this capacity from June 2 until after the July 1692 trials, with Anthony Checkley approved by the Governor’s Council on July 26 as Newton’s replacement. Captain Stephen Sewall (1657–1725), a merchant of Salem and younger brother of Commissioner Samuel

¹³ For the court having a broader mandate, see General Introduction.

¹⁴ No. 220.

¹⁵ Chadwick Hansen, *Witchcraft at Salem* (New York: George Braziller, 1969), pp. 120–122; Peter Charles Hoffer, *The Devil’s Disciples* (Baltimore: The Johns Hopkins University Press, 1996), pp. 135–139.

Sewall, was appointed “to officiate as Clerk of the Special Court,” and as such he gathered all pre-trial records and would take in newly written evidence both for and against an accused, prove documents that were sworn in court for trial use, and docket and preserve the case records.¹⁶ Sewall continued to keep custody of the previous examination and deposition papers, as well as those generated by the Court of Oyer and Terminer. A man of much practical, clerical experience, prior to 1692 Sewall had served as Clerk of Courts and Register of Deeds for Essex County. On July 21, 1692, he was additionally appointed Register of Probate for Essex County by Governor Phips.

The establishment of the special Court of Oyer and Terminer, with its associative grand jury considering indictments, did not preclude continued activity on the local level regarding witch accusations. During the entire grand and petty jury activity of the Court of Oyer and Terminer, various justices of the peace in their local places of jurisdiction continued to hear accusations, issue warrants, conduct examinations, and write and hear depositions relating to new cases brought before them. If evidence seemed significant enough, the jailed witch suspect was then a potential subject for the attorney general and proceedings at the Court of Oyer and Terminer.

INDICTMENTS

Prior to a jury trial before the Court of Oyer and Terminer, the proscribed procedures of a capital court case had to be followed. An indictment was drawn up by the government, written in a clerical/court hand with abbreviations and some formulative Latin legal phrases included. Many of the handwritten indictments used during the 1692 cases had boilerplate legalese previously written out, with blank spaces provided that would be filled in for a specific new case. Indictments naming specific persons and events were drawn up by the attorney general and then presented for the grand jury to consider. Unfortunately indictments relating to the 1692/93 witchcraft cases were not dated when drawn up, so that in determining when an indictment was actually acted upon by the grand jury, one must look to other evidence. A separate indictment was issued against an accused for each victim of his or her witchcraft. The language in the indictment often described the alleged victim as being “Tortured Afflicted Tormented Consumed Pined and wasted. . .”

¹⁶ *Witchcraft at Salem*, pp. 135–139.

Or the indictment might describe a class of crime, such as the accused making a “Diabolical Covenant with the Devil.”¹⁷

In many cases the attorney general included in the indictment a specific dated event, usually the accused’s earlier preliminary hearing before local magistrates. By naming this event, one or more witnesses who had been present could testify to the accused’s public use of witchcraft upon some of the “afflicted” during the examination itself. This testimony would seem to satisfy the “two witness” rule needed for proving witchcraft, often described as a secret crime. In the case of John Willard, in early June 1692 he had seven individual indictments drawn up against him, each naming a specific victim. These accusations all harkened back to his supposed display of witchcraft upon these women and girls during his May 18, 1692, examination.

THE GRAND JURY

On May 30, 1692, a precept went out under the signatures of William Stoughton and Samuel Sewall for calling men to serve on juries. An impaneled grand jury composed of eighteen men from various Essex County towns would be presented with evidence against those cases chosen by the attorney general. The evidence presented would be drawn from the body of previously written examinations and depositions, and also by means of oral testimony. This grand jury evidence was read with the deponent present to take an oath that the document presented was the truth. The oath was then noted at the bottom of each document as “Owned before the Grand Jury” or “the Jury (or Jurors) of Inquest,” or “the Grand Inquest.”

If the grand jury found the evidence presented to it to be tending to prove the crime, the jury foreman would sign the indictment with a notation that read “Billa Vera,” meaning a true bill of indictment had been issued. In some cases, while one indictment would be found compelling enough to go to trial, another indictment against the same person might be found wanting of enough proof for trial. Indictments rejected by the grand jury were typically marked at the bottom or on the reverse with the word “Ignoramus” (Latin for “we don’t know”), meaning the jury was ignorant of the crime, and thus it was groundless to go to trial on this charge.

¹⁷ As per example, two indictments against Susannah Post: No. 774 and No. 775.

Members of the grand jury, meeting without the presence of judges, were more independent in weighing evidence than was the later trial jury. At these petty jury trials the judges exerted a strong influence. It also seems to be the sense of the surviving documents that those “afflicted” persons brought before the grand jury were more restrained in exhibiting their torments than at the trials themselves. A noted exception is found in the added testimony of Susannah Shelden, who was “seized with Sundry fits” while giving testimony before the grand jury against Sarah Good.¹⁸ No indictment was issued naming Shelden, however, nor does her name appear among the list of witnesses to be heard at Good’s trial. Throughout the Salem witch trials only two indictments named Shelden, and both were returned with an ignoramus. Grand juries were more discriminating than trial juries.

Some true bills of indictment were almost immediately acted upon, with a trial convened the same day that the indictment was handed down. In other instances, indictments could be withheld so that a trial was not scheduled for weeks or months, depending upon the timing of sessions of the Court of Oyer and Terminer or the strategy decided upon by the attorney general.

THE TRIALS

The Court of Oyer and Terminer met for its first session at the Salem Court House from June 2 to June 3, 1692. Session two lasted from June 28 to July 2, and session three took place from August 2 through August 5. The fourth session was the longest, dating between September 6 and 17 with a two-day break in the proceedings. The grand jury typically met concurrently at the beginning of each session, considering and acting on indictments that had been presented to it. Though scheduled for an October session, the Court of Oyer and Terminer fell that month under political pressure, with Governor Phips retracting the commission.¹⁹

When the attorney general had a true bill on an indictment and was ready to bring a case to trial, the accused would be “brought before the bar,” arraigned, and as to the indictment would be asked to plead guilty or not guilty. If the plea was “not guilty,” the person was then expected to agree to the formulaic declaration of being put upon

¹⁸ No. 338.

¹⁹ Mary Beth Norton, *In the Devil’s Snare* (New York: Alfred A. Knopf, 2002), p. 289; Samuel Sewall, *Diary*, October 26 and 29, 1692.

trial “by God and the Country.” This declaration of innocence and willingness to be tried would then allow for the trial to commence. A notable exception to this standard practice was the action of Giles Cory of Salem Farms. He had been arrested, examined, and jailed in April 1692. Subsequently the grand jury returned a true bill against him on September 9. At his arraignment, he is believed to have pled “not guilty” to the indictment, but would not declare a willingness to be tried before the special court. Cory’s obstinate behavior led to his being subjected to *peine forte et dure*, the torture of stones placed upon his body in an attempt to get him to acquiesce to being tried by the authority of the court. Whether the torture was meant to get Cory to agree to trial or a de facto execution, the old man died under this torture, giving a silent though profound statement of his contempt for the justice of this “hanging” court. Many in authority saw this belligerence as a case of “self-murder” and ignored his point of protest.²⁰

For the formal trial before the Court of Oyer and Terminer, a petty jury, also referred to as a trial jury or “jury of tryalls,” was gathered from among a pool of men from area towns. Jurors could be questioned and challenged by the accused, with some jurors rejected for cause. An impaneled jury was composed of twelve men taken from an initial pool of forty-eight “honest and lawfull men” who had met the requirements of an estate worth 40 shillings per annum or a purchased estate worth at least £50. Rev. Deodat Lawson, a former Salem Village minister and witness to many of the events of 1692, wrote about this process of jury selection in a printed tract published in 1704. Concerning the trial of George Burroughs, Lawson noted that Burroughs “had the Liberty of Challenging his *Jurors*, before empanelling, according to the *Statute* in that case, and used his Liberty in Challenging many. . . .”²¹

Once the jury had been sworn in, the trial would commence. According to a September 1691 murder trial before the Court of Assistants held in Boston in

²⁰ *Witchcraft at Salem*, pp. 153–154; *More Wonders*, p. 106; Richard B. Trask, *The Devil Hath Been Raised* (Danvers, MA: Yeoman Press; Revised Edition, 1997), p. 154; *Diary*, September 19, 1692.

²¹ Bradley Chapin, *Criminal Justice in Colonial America, 1606–1660* (Athens, GA: The University of Georgia Press, 1983), p. 40; *The Devil’s Disciples*, p. 156; Deodat Lawson, *Christ’s Fidelity the Only Shield Against Satan’s Malignity*. Second Edition. (London, 1704), p. 115. See also No. 232 and warrants for jurors in December 1692 for the 1693 trials, Nos. 532 and 730–740.

which ten Assistants, including Stoughton and several soon-to-be serving witchcraft judges, sat, the chronological procedures of the trial were succinctly described in the record book as, "The Indictment Examination & evidences were read & the prisoner made her defense, The Jury return their Verdict." The witchcraft cases were probably conducted similarly, with read testimony being the major quantity of the presentation.²²

In a transcription of a letter historically ascribed as written in October 1692 by Boston merchant and scholar Thomas Brattle (1658–1713), Brattle wrote of the procedures used at the witchcraft trials. His letter was highly critical of the proofs and procedures used in the trials. Brattle writes,

1. The afflicted persons are brought into court; and after much patience and pains taken with them, do take their oaths, that the prisoner at the bar did afflict them: And here I think it very observable, that often, when the afflicted do mean and intend only the appearance and shape of such an one, (say G. Proctor), yet they positively swear that G. Proctor did afflict them; and they have been allowed so to do; as tho' there was no real difference between G. Proctor and the shape of G. Proctor....
2. The confessors do declare what they know of the said prisoner; and some of the confessors are allowed to give their oaths; a thing which I believe was never heard of in this world; that such as confess themselves to be witches, to have renounced God and Christ, and all that is sacred, should yet be allowed and ordered to swear by the name of the great God!...
3. Whoever can be an evidence against the prisoner at the bar is ordered to come into court; and here it scarce ever fails but that evidences, of one nature and another, are brought in, though, I think, all of them altogether alien to the matter of indictment; for they none of them do respect witchcraft upon the bodies of the afflicted, which is the alone matter of charge in the indictment.
4. They are searched by a Jury; and as to some of them, the Jury brought in, that [on] such or such a place there was a preternatural excrescence.²³

One can possibly obtain a glimpse into the strategy used by the Crown's prosecutor in putting together his case

²² *Records of the Court of Assistants of the Colony of Massachusetts Bay, 1630–1692* (Boston: Rockwell & Churchill Press, 1901), p. 357.

²³ "Copy of a MS. Letter . . . Written by Thomas Brattle, F.R.S. and communicated to the Society by Thomas Brattle, Esq. Of Cambridge." *Collections of the Massachusetts Historical Society* (Boston, 1798), pp. 66–67.

for trial by examining an undated document from among the Sarah Good case records. One of the first three women to be accused, Good was examined on March 1, 1692. True bills of indictment were handed down against her on June 28 and her trial apparently commenced the same day, continuing to June 29. An undated paper survives from among the Good court documents that includes on one side a listing of indictments against Good and witnesses for each indictment. On the opposite side are notes written in the handwriting identified as that of Attorney General Thomas Newton. Newton outlines abstract testimony by several confessed witches, as well as by afflicted persons, and other witnesses against Good. This document looks to be a summary of the case against Good written quite possibly prior to her trial.²⁴

TYPES OF TRIAL EVIDENCE

Seventeenth-century English trials were not necessarily long, drawn-out events. In many instances a jury trial could be completed within an hour or so, depending upon the number of documents presented and whether the defendant had evidences as well. Those claiming to having been afflicted and other witnesses would give their oath that their written testimony was the truth. Some of their depositions had been drawn up months earlier, others written out or added to at the direction of the prosecutor to make them appropriate and specific to the case at hand. The oath was probably made after the document was read in court. Court Clerk Sewall would write on the deposition the words "Jurat in Curia," or in a few cases some variation of those words, usually at the bottom of the document. This notation indicated that the document was used in the trial. In the 1693 cases Jonathan Elatson, Clerk of the Superior Court of Judicature, made the same notation indicating trial usage.

One class of important evidence used in court for which there was not necessarily a previously drawn-up written record was the testimony of confessors who gave evidence specifically against the accused "viva voce," meaning by voice or in person. Another class of evidence within the legal records that survive is evidence not sworn to, but undoubtedly presented during the trial as being favorable to the accused. It appears that during most trials the accused did not present any formal defense. Though each

²⁴ No. 345. For another view on dating this document see note to No. 345.

defendant had the right to do so, the circumstances of the trial and the lack of legal advisors hindered any effective defense. Legal tradition also disallowed a defendant from swearing an oath of innocence or in other testimony for fear that a false oath would endanger one's soul. Those witnesses who presented exculpatory evidence and those who submitted petitions signed by family and neighbors speaking well of the defendant were also not allowed to swear to their testimony.²⁵

At the pre-trial jury selection on August 5, 1692, defendant George Burroughs, a sometime minister, had challenged some of the jurors. Then at the trial itself Burroughs put up a defense. Rev. Cotton Mather (1663–1728) was author of the book *The Wonders of the Invisible World*, which was written in 1692 and had a publication date of 1693 for both the Boston and the later London edition. In this volume Mather synopsized five of the trials, including Burroughs's. According to Mather, Burroughs asked questions throughout the proceedings and presented a paper to the jury for its consideration. Apparently Burroughs obtained material from a supporter replicating some of the reasoning found in an anti-witchcraft volume by Thomas Ady, originally printed in London in 1656. Burroughs wrote out some of this information and presented it to the jury. Mather, whose loathing for Burroughs is apparent even at a distance of more than 300 years, reported of his defense: "This paper was Transcribed out of Ady; which the Court presently knew, as soon as they heard it. But he [Burroughs] said, he had taken none of it out of any Book; for which, his Evasion afterwards, was, That a Gentleman gave him the Discourse in a Manuscript, from whence he Transcribed it. The Jury brought him in *Guilty*: But when he came to Die, he utterly deni'd the Fact, whereof he had been thus convicted."²⁶

The last in the line of legal documents generated during a witchcraft case that reached trial was the death warrant. Only two survive.²⁷ Once the verdict was given at trial and after the death sentence was pronounced, at least three days had to pass prior to execution. This brief time was built into the process to give an opportunity to the

condemned for a possible appeal. Though the governor gave Rebecca Nurse a reprieve, he subsequently withdrew it, and any attempts by others failed.²⁸ The Bridget Bishop death warrant issued on June 8, 1692, is perhaps the most famous and most reproduced of all the witchcraft documents. It was first published as a facsimile plate in Charles Upham's 1867 work *Salem Witchcraft*.²⁹ The Bishop death warrant and its return dated June 10, 1692, indicating that the punishment had been carried out by Sheriff George Corwin, was photographed by Salemite E. R. Perkins, an early photographic printing of a facsimile of a Salem witchcraft document. The other death warrant came to light in 1939 when it was purchased by the Boston Public Library along with other witchcraft documents. This warrant was issued against five people convicted of witchcraft including Rebecca Nurse, all "to be hanged by y^e Necks vntill they be dead," which sentence was carried out on July 19.³⁰ Both surviving warrants were ordered under the signature of William Stoughton.

Given the fact that a number of the legal records are obviously now missing, it is difficult to gauge the number of documents generated in a typical case. One clue to this, however, is found on the reverse of indictment "No. 1" against Rebecca Nurse. Court Clerk Stephen Sewall wrote on this indictment a copy of a memorandum he had given to a member of the Nurse family. The family member apparently inquired as to the trial records in Rebecca's case. Sewall attested:

In this Tryall are Twenty papers besides this Judgment & these were in this Tryall as well as other Tryalls of y^e Same Nature Seuerall Evidences viva voce which were not written & so I can giue no Copies of them Some ffor & Some against y^e parties Some of y^e Confessors did alsoe Mention this & other persons in their Seuerall declaracons which being promised. & Considered y^e sd 20 papers herewith fild is y^e whole Tryall.³¹

²⁸ On Rebecca Nurse's reprieve, Calef, *More Wonders*, p. 103.

²⁹ Charles W. Upham, *Salem Witchcraft; With an Account of Salem Village, and a History of Opinions on Witchcraft and Kindred Subjects* (Boston: Wiggins and Lunt, 1867), v. II, opposite p. 266. Perhaps the earliest engraved facsimile of a witchcraft document is that reproduced in Peleg W. Chandler, *American Criminal Trials* (Boston, 1841), v. I, opposite p. 120.

³⁰ No. 418.

³¹ No. 285. This number of documents as given by Sewall does not conform to the number of documents now extant. Of the body of Nurse legal papers there are fifteen indictments, summonses, and depositions used by the grand jury or at the trial, an additional six of which are petitions or depositions supporting Nurse, at least three depositions naming Nurse and another accused person

²⁵ *The Devil's Disciples*, p. 156.

²⁶ Quoted from the easier to obtain London edition. Cotton Mather, *The Wonders of the Invisible World: Being an Account of the Tryals of Several Witches, Lately Executed in New-England* (London, 1693) p. 65; Thomas Ady, *A Candle in the Dark* (London, 1656).

²⁷ No. 313; No. 418.

A MISSING RECORD BOOK?

The witchcraft case files include almost 950 legal documents, including those specifically noted by Clerk Stephen Sewall as having been sworn to in court. But what of a record of the trial proceedings themselves gathered into a single record book? There has always been speculation that such a journal or record existed. The Puritans were nothing if not careful record keepers. In the 1640s the General Court of Massachusetts ordered that "every judgement, with all evidence, bee recorded in a booke, to be kept to posterity."³² Record books of the Court of Assistants and of the Quarterly Courts survive, while the more than thirty witchcraft trials held from January through May 1693 heard by the newly established Superior Court of Judicature are also extant in a record book. The first two courts mentioned include in their record books a synopsis of each trial and copies of pertinent trial documents.

The 1693 witchcraft trial record book is less inclusive and more formulaic than the other two. Each case records the names of the foreman and eleven other men consisting of the Jury of Tryalls and states that the accused was arraigned after having been indicted. Quotations are included of the salient indictment charge and the plea that was entered. It is often also recorded that the evidence and examination (earlier preliminary hearing) were heard, as well as any defense by the accused, though never giving any detail or actual testimony. Finally there is a record of the verdict and the disposition of the case. It is quite possible, even probable, that if a trial record book did exist for the Court of Oyer and Terminer, the information gleaned from it would not substantially add to the surviving records themselves, unless some testimony was also transcribed into the record book. It would certainly be interesting to view the write-up regarding Giles Cory's case. Cory stood mute to going to trial and was ordered tortured. It would also be instructive to read of the treatment of the Rebecca Nurse trial. When she was found not guilty by the jury, pandemonium broke out in the court and the bench then directed the jury that they perhaps should reconsider some testimony. The jury came back later with a guilty verdict.³³

in the same document, together with the March warrant and examination not included in this count as trial records.

³² Edwin Powers, *Crime and Punishment in Early Massachusetts, 1620-1692: A Documentary History* (Boston: Beacon Press, 1966), p. 437.

³³ *More Wonders*, pp. 106, 102-103.

Nineteenth-century author Charles W. Upham, whose 1867 book *Salem Witchcraft* is today still an influential source of local Salem and witchcraft history, saw in a missing Salem witchcraft trials record book an attempt by contemporaries of the trials to obliterate memory of this shameful time. Upham wrote:

The effect produced upon the public mind, when it became convinced that the proceedings had been wrong, and innocent blood shed, was the universal disposition to bury the recollection of the whole transaction in silence, and if possible, oblivion. This led to a suppression and destruction of the ordinary materials of history. Papers were abstracted from the files, documents in private hands were committed to the flames, and a chasm left in the records of churches and public bodies. The journal of the Special Court of Oyer and Terminer is nowhere to be found.³⁴

CONTEMPORARY PUBLISHED ACCOUNTS OF THE TRIALS

Besides the legal papers that do survive, we can glimpse a few tantalizing images of the trials themselves as recorded by contemporaries. Thomas Brattle in his October 1692 letter comments on Judge Stoughton's instructions to jurors: "I remember that when the chief Judge gave the first jury their charge, he told them, that they were not to mind whether the bodies of the said afflicted were really pined and consumed, as was expressed in the indictment; but whether the said afflicted did not suffer from the accused such afflictions as naturally *tended* to their being pined and consumed, wasted, etc. This, said he is a pining and consuming in the sense of the law."³⁵ Other peeks into the trial procedures are given by Deodat Lawson, as reproduced in a 1704 reprinting of a witchcraft sermon given by him in 1692 at Salem Village, and expanded with notes. Lawson mentions testimony at several trials including that of Burroughs, writing, "I was present when these things were Testified against him."³⁶

Robert Calef, a vociferous critic of the proceedings and also of the Mathers, wrote *More Wonders of the Invisible World*, which was published in 1700. Although Calef has been accused of being a partisan and at times slanderous

³⁴ *Salem Witchcraft*, II, p. 462. Upham seldom mentioned specific sources for his information, though it is known he locally gathered facts and oral traditions not now extant in any other form. For a further discussion of the Record Book issue see the General Introduction, p. 40.

³⁵ Brattle, p. 77.

³⁶ *Christ's Fidelity*, p. 115.

writer, and although he did not attend any of the witchcraft trials, he did provide valuable information, including several eyewitness accounts of the events. He also included in his volume several documents reflecting upon the legal proceedings not preserved elsewhere, as well as copies of indictments and mittimus of several of the accused people.³⁷ Also preserved by Calef is a case of an apparent attempt at trickery perpetrated in the court during the trial of Sarah Good. One of the afflicted persons cried out in court that Good's "spectre" had stabbed her in the breast, and produced a piece of knife blade that she said had been broken in the stabbing attempt. A young man came forward from among the spectators to say that he had broken his knife the day before and had cast away the broken part, whereupon the broken piece produced in court by the afflicted person was compared with his broken knife blade and the court "saw it to be the same." According to Calef, the afflicted person's subterfuge was let to pass: "the young Man was dismissed, and she bidden by the Court not to tell lyes; and was improved after (as she had been before) to give Evidence against the Prisoner."³⁸

Yet another legal document is preserved only in the writings of a contemporary observer. Rev. John Hale (1636–1700), as minister at Beverly, was intimately involved in the witchcraft proceedings. In 1697 he wrote a manuscript attempting to shed light upon the events of 1692. His book was published in 1702. Among the text in Hale's volume is a transcription of a confession written in prison by William Barker Sr. of Andover.³⁹

Cotton Mather's Wonders

The first author who put to print what was purported to be an account of the Salem witchcraft trials, and to use the trial records in the telling, was Rev. Cotton Mather. By the fall of 1692 Mather had been strongly requested by Governor Phips and other officials to gather a history of the trials that would show favorably the intentions of the court and the true and dangerous presence of witchcraft in the country. Needing documentation for his text, Mather wrote to Clerk Stephen Sewall on September 20, 1692, just a few days before a group of eight convicted witches were to be executed. Apparently renewing an even earlier request, Mather asked that the clerk "would please

quickly perform what you kindly promised, of giving me a narrative of the evidences given in at the trials of half a dozen, or if you please a dozen, of the principal witches that have been condemned." Saying that, though he understood it would take Sewall time to comply, Mather offered that he was exposing himself in the defense of his friends and also mentioned how the governor desired this favor from Sewall. Mather requested that Sewall include a letter reiterating what he had verbally told Mather about "the awe which is upon the hearts of your juries," and some "observations about the confessors." The hangman's ropes hadn't as yet been retired and the interpretation of Salem witchcraft was beginning.⁴⁰

As published, the London edition of *The Wonders of the Invisible World* contained a section of twenty-three pages reporting on the trials of five of the more notorious of the condemned – George Burroughs, Bridget Bishop, Susanna Martin, Elizabeth How, and Martha Carrier. Mather, never present at a Salem trial, undoubtedly relied upon a narration put together by Stephen Sewall and possibly also legal papers lent by Sewall to Mather. Mather's descriptions of the five witchcraft trials were not in the format of a focused account of each trial, but rather as a selection and paraphrasing of evidences. Some of the material published as part of the trial history was probably never used at the trial itself, but rather at the earlier examinations or during the grand jury inquests. In his recounting of the Susannah Martin trial of June 29, Mather includes eight questions by a magistrate and Martin's answer to them from her May 2, 1692, examination. The Mather transcription is not a verbatim transcript when compared to either of the two draft texts recorded by Rev. Parris, the original examination recorder. Rather, they are a "cleaned," easier to understand version.⁴¹

In describing the trial of Elizabeth How, Mather begins, "Elizabeth How pleading *Not Guilty* to the Indictment of Witchcrafts, then charged upon her; the Court, according to the usual Proceedings of the Courts in *England*, in such Cases, began with hearing the Depositions of several afflicted People." A comparison of Mather's four pages of text recounting the trial of How with the surviving How legal documents shows that Mather described depositions of seven people against

³⁷ *More Wonders*, pp. 95–100, 113–114 etc., 94.

³⁸ *More Wonders*, pp. 161–162.

³⁹ John Hale, *A Modest Enquiry Into the Nature of Witchcraft* (Boston, 1702), pp. 33–34. No. 527.

⁴⁰ Kenneth Silverman, comp., *Selected Letters of Cotton Mather* (Baton Rouge: Louisiana State University Press, 1971), pp. 43–45.

⁴¹ *Wonders*, p. 71.

How, including one Martha Wood whose deposition is not now extant.⁴² Contrary to the implication of Mather's text, not all these depositions were necessarily used during the How trial itself. Mather also mentioned testimony being given by persons claiming to have been afflicted, though the only specific deposition that comes down to us is one by Sarah Bibber. Possibly as many as four other accusers claiming affliction may have given written depositions, as they are listed as witnesses in the How case, though none of their depositions survive in the gathered records. Mather also recounted the "Confessions of several other (penitent) witches" given as testimony against How in this case.⁴³ The author completely ignores (given that he was aware of their existence) seven depositions by people who spoke in favor of How and her good character. This, the first published description of the Salem trials, actually was a melding of various documents used during all phases of the legal proceedings. It was an oversimplified and not totally accurate account of various trials without the nuances of describing the three-part legal procedures followed in capital cases.

Hutchinson's History

The next major use of original documents in describing the events of the 1692 witchcraft episode occurred during the third quarter of the eighteenth century. Thomas Hutchinson (1711–1780) was a Boston-born Harvard College graduate. Beginning his professional life as a merchant, Hutchinson turned to a political career that led to his becoming speaker of the Massachusetts House of Representatives, member of the governor's council, a judge of probate, and justice of common pleas in Suffolk County. In 1758 he was appointed lieutenant governor and in 1760 was made chief justice of the Superior Court, the major colonial judicial position, which he held concurrently with that of lieutenant governor. Possessing a large library and collecting papers about his native province, Hutchinson began a writing project in 1763 of a multi-volume history of the Colony and Province of Massachusetts. The first volume of his history was published in 1764, and by the summer of 1765 Hutchinson was about two-thirds into writing his second volume, beginning his text with the arrival of Governor Phips and the new provincial charter of 1692.

⁴² *Wonders*, pp. 76–79. Wood deposition: No. 394.

⁴³ *Wonders*, pp. 76–79.

The early section of this second volume would include an account of the witchcraft events of 1692. Hutchinson with his unique combined office had, as one later observer would write, "opportunities of access to original papers such as no person now possesses."⁴⁴ Much of his research material, including original witchcraft documents, was kept by Hutchinson at his mansion house in Boston. Hutchinson's politics were decidedly pro-Crown, and during the Stamp Act Crisis of 1765 his fellow citizens were vehemently against the Crown's policies and its representatives. On August 26, 1765, a violent mob attacked Hutchinson's home, breaking in with axes and tearing up the mansion and its contents. His library, his in-progress manuscript history of Massachusetts, and his numerous historical papers, including the witchcraft documents, were thrown into the street and otherwise looted or destroyed. The next day a neighbor, Rev. John Eliot, retrieved a number of books and papers that had been strewn in the street by the mob, including most of Hutchinson's manuscript history. Amidst all his political tribulations and personal problems, Hutchinson was able to complete the second volume on the history of Massachusetts and had it printed in Boston in 1767.⁴⁵

Among the material in this second volume dealing with the 1692 witchcraft episode were transcriptions of at least eleven legal documents, including the examinations on April 11, 1692, of Sarah Cloyce and Elizabeth Procter; Margaret Jacobs's recantation of her confession; and Sarah Carrier's confession of August 11, 1692. Of these documents, none survive as an original 1692 manuscript, save for an indictment against George Burroughs for afflicting Mary Walcott, which found its way eventually to the collections of the Massachusetts Historical Society. The others were probably destroyed or carried off the night of August 26, 1765. Yet even Hutchinson's 1767 printed history excludes some primary source text that can be found within his surviving manuscript draft of the book. In 1870 William Frederick Poole consulted the original manuscript kept at the Massachusetts State Archives.

⁴⁴ William Frederick Poole, "The Witchcraft Delusion of 1692. By Gov. Thomas Hutchinson. From an Unpublished Manuscript (An Early Draft of this History of Massachusetts) in the Massachusetts Archives," *New England Historical and Genealogical Register and Antiquarian Journal*, Vol. 24, No. 4 (October 1870), pp. 381–382.

⁴⁵ Lawrence Shaw Mayo, ed., *The History of the Colony and Province of Massachusetts Bay by Thomas Hutchinson* (Cambridge, MA: Harvard University Press, 1936), Vol. I, pp. xi–xv.

According to Poole, "I saw, on closer examination, that this was an earlier draft, and the identical manuscript which had passed the ordeal of the riot of 1765; for portions of it were much defaced, and bore the marks of being trampled in the mud." Poole discovered that much of the text had been "changed, abridged and sometimes omitted" in the published version, and that the earlier draft was most likely more accurate in the transcribing of original documents. Hutchinson "doubtless prepared it with the original authorities before him."⁴⁶

Poole had this manuscript section of Hutchinson's history of the witchcraft delusion of 1692, including helpful notes inserted by Poole himself, printed within the *New England Historical and Genealogical Register* in October 1870. From a careful comparison of the 1767 printed text with the surviving manuscript draft by Hutchinson, fragments of original documents, some cut out for brevity and some just fragments of now unknown documents, survive in a more complete form in his draft manuscript. These additional texts relate to the examination of Mary Lacy Jr. and of Richard Carrier; testimony of Lacy Jr. and Sr. and Richard Carrier to the jury at the trial of George Burroughs; testimony of Deliverance Dane; and a fragment of the examination of Joan Penny. Unfortunately for history, even these documents reproduced in the draft manuscript were not complete. At a point in Hutchinson's transcribing the examination of Mary Lacey Jr., Hutchinson inserted the comment in his draft, "The examination contains many pages more of the same sort of proceedings which I am tired of transcribing."⁴⁷

One other clump of witchcraft legal records preserved now only in print is one of the first groups of witchcraft documents reproduced in a local history volume. In 1840 Thomas Gage wrote *The History of Rowley*. In the volume he reproduced in transcript form what appeared to divide into six separate documents, all relating to the trial of Rowley resident Margaret Scott. Scott was arrested in early August 1692, convicted at trial in September and executed on September 22. The documents include two indictments against her and several depositions used at the grand jury and trial. Of original documents kept in various repositories, only two extant Scott documents had been preserved. As mentioned earlier, two of these original six Scott documents for which we only previously had the

printed version from the Rowley book surfaced in 1998 and were offered for sale.⁴⁸

ARCHIVAL ESTRAYS

Undoubtedly most of the original accumulation of witchcraft-related legal documents gathered by Stephen Sewall were deposited by him as part of the Essex County court records. Sewall also served as Register of Probate for Essex County and Clerk of the Court of Pleas, of the Peace, and of the General Quarter Sessions until his death in 1725. The witchcraft papers were stored among the other county records that included trial papers, probate records, and land deeds kept at the court house in Salem. Over the years others besides Mather and Hutchinson gained access to the witchcraft files, and many papers apparently disappeared. Most likely some of the witchcraft legal documents were retained by officials in 1692/93, following their official use. With the passage of time these papers were often forgotten and simply became part of a person's personal estate. Other of these documents could have been pilfered as curiosities or souvenirs, or as Charles Upham suggested, some could have been purposefully destroyed.

A good number of survivor documents eventually found their way to history collections within libraries or historical organizations. In the early 1800s Hon. John Pickering (1777–1845), lawyer, philologist, and statesman, was given a group of witchcraft legal papers, probably because of his interest in the law and in language. According to Nathaniel Ingersoll Bowditch, as Pickering was an officer of the court, he "had some scruples of conscience about retaining them himself; and therefore, after examining them, gave them to my late father," Dr. Nathaniel Bowditch, the noted Salem mathematician and astronomer.⁴⁹ This collection was bound in a presentation volume and given in 1860 by N. I. Bowditch to the Massachusetts Historical Society. Over the years, this, the oldest historical society in the nation founded in 1791, has accumulated other such "archival estrays" and now includes a significant collection of over 50 Salem witchcraft documents. The examination of

⁴⁶ Thomas Gage, *The History of Rowley* (Boston: Ferdinand Andrews, 1840), pp. 169–175. In 1841 Peleg Chandler included more than a dozen transcriptions of witchcraft documents, including a Mercy Lewis deposition not now extant. *American Criminal Trials*, v. 1, pp. 426–434. See No. 227, note.

⁴⁷ Reprinted, *The Devil Hath Been Raised*, pp. 156–157, 159, 164; *NEHGR*, p. 401.

⁴⁹ *NEHGR*, p. 397.

George Burroughs, for example, was found among John Hathorne's papers and from 1843 was in the possession of I. F. Andrews, Esq., until its deposit within the Massachusetts Historical Society.⁵⁰

Other significant collections of Salem witchcraft legal records are at the Massachusetts State Archives or have found their way to manuscript repositories including those of the Essex Institute, now the Peabody Essex Museum in Salem; the Boston Public Library; and the New York Public Library. Occasionally documents have also found homes in a handful of other institutions and with several private collectors. Among those institutions that have one or two such documents are the William L. Clements Library in Michigan, the Karpeles Manuscript Library in California, and the Beinecke Rare Book and Manuscript Library at Yale.

The Essex Institute became a repository for some twenty-four witchcraft papers donated during the nineteenth century, including gifts in the 1850s from Daniel A. White and in 1865 from W. D. Pickering. Several witchcraft documents acquired by Danvers antiquarian and witchcraft scholar Samuel P. Fowler were donated through his daughter Harriet among numerous local history manuscripts collected into large scrapbooks. One item in the Institute's collection that had been separated into individual leaves and scattered among the other witchcraft documents was what was originally a twenty-page string-bound manuscript booklet. At the head of the booklet are the words, "Several Examinations." The ten double pages contained twenty witchcraft preliminary examinations of nineteen separate accused persons conducted by several magistrates during the period of July 21 through September 1, 1692. Notes are appended to the bottom of some of the examinations of a later date indicating that the accused person later acknowledged the confession before a magistrate.⁵¹

TRANSCRIPTION PROJECTS

During the decade of the 1850s, Massachusetts state, county and local government agencies began to realize the need for ordering and preserving the vast accumulation of historic records in their custody. In May 1851 the Massachusetts General Court passed "An Act for the Better

Preservation of Municipal and Other Records." Chapter 161 noted the duty of those with custody of public records to arrange them "in a careful and orderly manner convenient for examination and reference." In cases where the documents have been worn, etc., "it shall be their duty to have a fair copy of such records seasonably taken by competent and skilful transcribers . . . the same to be certified to be true copies of the originals by the clerk of such county, city or town."⁵²

This present volume before you is in the tradition of several earlier, useful books that gathered together the witchcraft documents and attempted to make them available in printed form. The Essex Institute in Salem was established in 1848 by the merger of two older societies. Its objective was "the collection and preservation of all authentic memorials relating to the civil history of the County of Essex."⁵³ This organization went on to become one of the premier county historical societies in the country. In 1992 it merged with the Peabody Museum of Salem to become the Peabody Essex Museum. Though this new morphing of two spectacular organizations has in recent years brought about a diminishing of the collection of Essex County historical materials, its Phillips Library is still one of the richest historical libraries in the country.

In April 1859, the Institute published its premier issue of the *Historical Collections of the Essex Institute*, which periodical would continue publishing until the last decade of the twentieth century. It was a rich source of historical documentation and research papers reflecting upon Essex County. In the first two issues of the *Historical Collections*, the Institute published the first large-scale reproduction of witchcraft transcripts. Beginning in the February 1860 issue and continuing into the 1861 volume, George F. Chever published a lengthy article about Salem merchant Philip English, who was accused of being a witch. The article included much about the history of the Salem witchcraft throughout Chever's 109 pages of small, double-column typeface. Included were several dozen witchcraft related transcriptions taken from records at the Essex County clerk's office. Chever mentions that "some of the witchcraft trials are missing" from the files, though the surviving documents had been mounted in what was described as "Vol. Salem Witchcraft"

⁵⁰ No. 120.

⁵¹ These are referenced in this edition as "Andover Examinations Copy."

⁵² *Massachusetts Acts of 1851*, Chapter 161, pp. 655-656.

⁵³ *Historical Collection of the Essex Institute* (Salem, April 1859), Vol. 1, p. 1.

and included about 500 pages.⁵⁴ This appears to be the earliest large-scale attempt to publish witchcraft documents from within the county files. The transcriptions are fairly true to the words of the original documents, though proper names are capitalized and punctuation is modernized. Spelling is attempted to be consistent with a reading of the original handwriting.

Concurrent with the Chever article, the April 1860 issue of the *Historical Collections* included an article by Lincoln R. Stone on 1692 witchcraft victim George Jacobs, wherein the author reproduced sixteen documents comprising all the surviving records of the Jacobs case from within the Essex County court files. The documents had been copied out in transcription by Ira J. Patch, a clerk at the county court house who devoted much time transcribing witchcraft cases and other early public records.⁵⁵

The Woodward Edition

The first major transcription project involving the Salem witchcraft records was underwritten by Roxbury, Massachusetts, resident William Elliot Woodward (1825–1892). Between 1864 and 1865, at his own expense, W. Elliot Woodward had printed a two-volume set titled *Records of Salem Witchcraft, Copied From the Original Documents*. His Salem witchcraft records project was the first major publishing enterprise in what turned into an extensive list of other such projects undertaken by Woodward. In 1865 and 1866 he underwrote two additional witchcraft works compiled by historian Samuel Gardner Drake.

Woodward's initial witchcraft project put into print the slightly more than 500 transcriptions of the 1692 legal records preserved at the Essex County Court House in Salem. In his 1864 "Preface" to this document publication, Woodward explained that of the original manuscripts: "only detached portions had ever been printed and thus made accessible to the public." This new work would thus make this rich body of historic papers available to a much larger audience. He also noted, "I placed the sheets in the hands of the printer as they came from the transcriber, and they are now presented without addition or diminution, *verbatim et literatim*...." Woodward's publication was not the result of a massive, independent transcribing project,

but rather the result of putting into print "a manuscript volume consisting of copies of the original Witchcraft papers in the Clerk's Office, written by Ira J. Patch, Esq." The original transcription, which was apparently accomplished by Patch prior to 1859, as an attested statement by Clerk of Courts Asahel Huntington dated October 22, 1859, is included on the final page of text in the Woodward volume. Huntington attests that the foregoing are "true copies made at the direction of said County Commissioners, under the authority of a law of the Commonwealth, passed May 15, 1851." Thus Patch was the actual source for the transcribing of the witchcraft papers in the Court House, and most likely also the source of both of the earlier Essex Institute *Historical Collections* transcriptions.⁵⁶

Though the Woodward edition has been used by numerous writers since the 1860s and reprinted several times in the twentieth century, it did not attempt to gather the significant number of 1692 witchcraft documents housed elsewhere. It only reproduced those documents housed within the Salem Court House. The print run of the two-volume set was a modest 215 copies, including fifteen on large paper. A subscription list for the set was circulated prior to publication and all sets were numbered and many signed by Woodward. The transcription format included the use of the old-style long letter "s," "J" used for "I," and superscript letters found in the documents themselves were so set in type. The printed layout of the body of the document attempted to keep true to the shape of the original. Each independent document was given a simple title printed in italics and centered just above the transcription.

Famed Albany, New York, printer and antiquarian Joel Munsell (1808–1880) performed the presswork. Woodward commented of the printer's typography: "How well Mr. Munsell has done his work is plainly to be seen, so far as general appearance is concerned; but the painstaking care with which the ancient orthography and punctuation, or rather the lack of this last have been followed, can only be appreciated by those who have compared the volumes with the original records."⁵⁷ One document from the Salem Court collection was inadvertently left out, being a

⁵⁴ George F. Chever, "Philip English," *HCEI* (Salem, 1860), Vol. II, pp. 29–30.

⁵⁵ Lincoln R. Stone, "An Account of the Trial of George Jacobs for Witchcraft," *HCEI* (Salem, 1860), Vol. II, pp. [49]–57.

⁵⁶ W. Elliot Woodward, *Records of Salem Witchcraft, Copied From the Original Documents* (Roxbury, MA, 1864 & 1865), Vol. I, pp. [v]–vi; Vol. II, p. 268; tipped-in note in a copy of the book owned by Danvers Archival Center, Danvers, MA.

⁵⁷ Woodward, I, pp. v–vii.

statement by John and Mary Arnold for Mary Esty and Sarah Cloyce.⁵⁸

The two-volume set included 546 pages divided into forty-three named cases, followed by a grouping of miscellaneous other witchcraft cases and post-1692 documents. The last seventeen pages of text included documents of earlier seventeenth-century New England witchcraft cases. The forty-three individual Salem cases are ordered by the initial date of the accused's warrant or examination. Within the individual case groups, however, there is no logical chronological ordering. If present, warrants come first, followed by indictments and then by examinations.

Unfortunately, the transcriptions themselves are replete with errors. A copy of the work within the collections of the Danvers Archival Center includes a tipped-in 1868 letter from Essex County Court Clerk Asahel Huntington (who served as clerk from 1852 to 1872), presenting the book set to Charles W. Upham. Throughout the volume are penciled marginal notes, possibly by Upham's son William P., correcting the numerous transcription errors and occasionally identifying the person in whose handwriting the original document was written. The Woodward publication was a significant though flawed work used by several generations of historians.

Charles Upham's Work

Upon the heels of the Woodward edition came what has long been regarded as the most influential history of the Salem witchcraft trials. Charles Wentworth Upham (1802–1872) was a prominent Salem minister, mayor of the community, and one-term Congressman. In 1831 he had published *Lectures on Witchcraft*, taken from a series of talks he had presented around the Salem area. His new work was published in Boston in 1867 and titled *Salem Witchcraft; With an Account of Salem Village and a History of Opinions on Witchcraft and Kindred Subjects*. His highly influential two-volume tome outlined in Volume One the history of Salem and Salem Village, and in Volume Two concentrated on the events of 1692. Assisting Upham at every turn was his son William Phineas Upham (1836–1905). The son was a probate court lawyer whose love of local history led him to serve as curator of manuscripts at the Essex Institute from 1863 until his death, and to serve nineteen years as its librarian. He also indexed records, edited many history transcription publications, and in a

multi-year project compiled and mounted thousands of early Essex County Court file documents into nineteen folio volumes as a preservation project for the county commissioners. In 1870 William Poole noted that the surviving witchcraft court records in Salem "have been very carefully arranged and mounted by Mr. William P. Upham." The documents were mounted into two large scrapbook volumes, one of which was kept in a case for public viewing at the Salem Court House.⁵⁹

Concerning the original documents, Upham described in the preface to his 1867 work that:

a very large portion have been abstracted from time to time by unauthorized hands, and many, it is feared, destroyed or otherwise lost. Two very valuable parcels have found their way into the libraries of the Massachusetts Historical Society and the Essex Institute, where they are faithfully secured. A few others have come to light among papers in the possession of individuals. It is to be hoped, that, if any more should be found, they will be lodged in some public institution; so that, if thought best, they may all be collected, arranged, and placed beyond wear, tear, and loss, in the perpetual custody of type.

The papers remaining in the office of the clerk of this county were transcribed into a volume a few years since; the copyist supplying, conjecturally, headings to the several documents. Although he executed his work in an elegant manner, and succeeded in giving correctly many documents hard to be deciphered, such errors, owing to the condition of the papers, occurred in arranging them, transcribing their contents, and framing their headings, that I have had to resort to the originals throughout.⁶⁰

Except in a few instances of replicating a document in the original spelling and punctuation as a curiosity for the reader, Upham stated that the transcriptions used in his book did not attempt to preserve the original orthography. Rather, he used current spelling and punctuation, though not changing words or altering structure. Upham made frequent use of the original documents, including all or most of some seventy-five documents, with examinations and depositions most frequently used. He also made use of documents in other collections such as several Nurse documents at the Massachusetts Historical Society, the entire examination of Martha Cory from the Essex Institute, and quotes of documents including a now-lost

⁵⁸ Robert S. Rantoul, *William Phineas Upham: A Memorial* (Boston, 1910), p. 14; NEHGR, p. 397.

⁶⁰ *Salem Witchcraft*, v. I, pp. x–xi.

Giles Cory examination manuscript, and material quoted by Calef and by Hutchinson.⁶¹

The WPA Project

In the 1930s, a Depression era “New Deal” work project under the federal Works Progress Administration (WPA) was initiated to put local researchers and clerical staff to work to bring together a new transcription of the Salem witchcraft papers. Many history-related projects were undertaken by the WPA, including the creation of historic murals in public buildings, writers’ history projects, and the sorting and indexing of municipal historic records. This Salem project was under the supervision of Essex County Clerk of Courts Archie N. Frost. A group of researchers and typists meticulously gathered and transcribed not just the witchcraft material in the Court House, but also from the Essex Institute, the Massachusetts Archives, Suffolk County and Middlesex County files, the New York and Boston Public Libraries, the Massachusetts Historical Society, and other sources. Also included in this project were the 1693 witchcraft cases heard by the Massachusetts Superior Court of Judicature, post-1692 bills submitted by jailers, etc., and papers relating to the victims’ families receiving recompense in the early 1700s.

The WPA project researchers meticulously retranscribed all the papers using the original documents themselves. Their work greatly improved the accuracy of the transcripts produced from the Patch/Woodward nineteenth-century version, although many errors remained and some new ones were created. The WPA project retained the “archaic usage” of the letters “J” for “T”; “f” for “s”; “y” for “th”; and “v” for “u.” The transcripts themselves were divided up in alphabetical order by the last name of the accused. Thus “John Alden” became the first of the individual case records reproduced. At the bottom left of each completed transcription a note was included to indicate where the original was held. In the case of the Essex County Court House records, they were identified as “Essex County Archives, Salem,” the original

documents retaining their same location volume and page number from the nineteenth-century ordering of them in the two large scrapbooks. Unfortunately this fine WPA transcription project, completed in 1938 and including about 1,300 typescript pages gathered into three bound volumes, was underutilized. The typescript volumes and a carbon copy were available only at the court house itself, at the Essex Institute, and later in the 1970s as an electrostatic copy at the Danvers Archival Center.

The SWP Edition

Then in 1977 DaCapo Press printed a three-volume set of books titled *The Salem Witchcraft Papers* based on the WPA typescript transcripts. This collection generally remained true to the layout and transcription of the WPA work and was edited by Paul Boyer and Stephen Nissenbaum, authors of the influential 1974 book, *Salem Possessed: The Social Origins of Witchcraft*. Their edition of *The Salem Witchcraft Papers* is referred to in *Records of the Salem Witch-Hunt* as *SWP*. Boyer and Nissenbaum obtained the permission from the Essex County Commissioners to use all the transcriptions from the earlier WPA project, and *SWP* became the first publication that attempted to print all the known legal papers connected to the Salem witchcraft trials. As with the WPA typescript edition, the transcripts were grouped alphabetically, according to the individual cases, with Volume Three including post-1692, “Additional Documents.” The editors acknowledged the problem with placement of documents that named multiple accused persons. They modernized the archaic usages retained in the WPA work and did not superscript letters. This edition included titles to each document at the beginning and a location statement at the bottom left side, which generally conformed to the WPA usage. A highly readable and useful narrative of the Salem witchcraft episode and notes on how best to use the seventeenth-century gathered documents introduced the transcriptions themselves.

As for the documents themselves, they were not re-examined to produce new transcriptions, and the same errors, misreadings, inaccurate conflation of the Alice and Mary Parker cases, missing words or phrases, and other transcription problems evident in the 1938 work were replicated in this 1977 work. The editors did expand upon the documents included, however, by adding some documents only available in print found in books by Mather, Calef, Hale, Hutchinson and Upham. Also made part of *SWP* were sixteen witchcraft documents from the Boston

⁶¹ No. 65 of April 19, 1692, was printed as an addendum on pp. 310–312 of an 1823 Salem reprint by J. D. and T. C. Cushing Jr. of Robert Calef’s work, *More Wonders of the Invisible World*. The introductory sentence included that “The files of office contain numerous documents . . . of which the following will serve as a specimen.” If the Cory examination was previously within the Essex Court files, it hasn’t been there since at least the mid-nineteenth century.

Public Library. These documents included seven important papers relating to the John Willard case.⁶²

In copying WPA transcriptions, the *SWP* edition carried over in certain instances words or letters that could not be verified by manuscript inspection. In some cases transcriptions came from portions of manuscripts that were lost or degraded. However, it is impossible to confirm this conclusion. In *Records*, when something is lost in the manuscript, but carried in Woodward, or *SWP*, the words are included and referenced to the edition used. Many of these, however, are probably intelligent guesses rather than transcriptions based on better manuscripts. The current editors felt it best to include these in spite of uncertainty as to authenticity, or in some cases skepticism. Such inclusions appear as, for example, [*SWP* = Village] or [*Woodward* = Village].⁶³

For generations the Essex County Archives Collection of more than 500 witchcraft documents had been stored in the environmentally fluctuating conditions and relatively lax security of the Essex County Court House. In December 1980 the Superior Court agreed to deposit these documents to the safety and security of the fireproof annex of the Essex Institute on Essex Street, just several blocks away from the County Court House complex on Federal Street. For its part the Institute promised to make available for viewing within a secure display several witchcraft documents that the general public could see without needing to pay admission to the Institute. In 1981 the documents were dismounted from the two nineteenth-century scrapbooks and conserved and repaired as necessary. Donald Gleason processed and indexed the papers, assigning each item an individual number. Though the papers remained in the same general arrangement as when mounted in the scrapbooks, the numbers themselves were not the same as replicated in WPA or *SWP*. By the early years of the twenty-first century, the documents were being stored in acid-free folders, with only one document per folder. These folders are stored in Hollinger acid-free legal-size boxes on secure shelves within the fireproof manuscript storage area. The documents have also been microfilmed.⁶⁴

⁶² *SWP*, pp. 3–4, 31–40. The new witchcraft documents had been purchased by the Library in 1938 from Goodspeed's Book Shop. Goodspeed's had obtained them from the New York auction house Parke Bernet, which represented a private client.

⁶³ See Editorial Principles.

⁶⁴ *Salem Witchcraft Papers from the Essex County Archives and the Essex Institute: 1692–1713* (35-mm microfilm), Introduction, p. 12. As of 2007, Associate Editor Benjamin C. Ray maintains

A Chronological Edition

The previous major witchcraft transcription projects (Woodward, WPA, and *SWP*) each share in common an alphabetical, case-by-case compilation, whereby documents related to specific individuals were grouped together. This clustering by named case creates problems, however, whenever more than one accused person is named in a document. With which person should a multi-named document be ordered in the book? Should the document be repeated in each case? Or should they go in alphabetical order, putting the warrant with the person who comes first in the alphabet? Or with the person first examined? This ordering also makes the events of 1692 appear as segmented, independent cases with little connection to one another.

This writer first attempted a chronological ordering of witchcraft documents in a 1992 book titled *The Devil Hath Been Raised*. The volume was limited to documents concerning events from February 29 through March 31, 1692, when the claims of witchcraft affliction first took hold primarily within Salem Village, and when the significant precedents that would dominate the judicial response to the events became established. This chronological approach included civil and church records, as well as two sermons preached on witchcraft in Salem Village, together with the witchcraft legal documents. The objective was to be as all-inclusive for this critical first month of the witchcraft outbreak as surviving records would allow. A re-transcription of all the March witchcraft documents was also performed, resulting in a number of previous transcribing mistakes being corrected.

The editors of *Records*, in looking to create an accurate and comprehensive edition, agreed that a chronological record of the legal documents, as modeled by *The Devil Hath Been Raised*, could offer a fresh and exciting format. Such an ordering should display the actual flow of events of 1692 as they happened in real, linear time, rather than grouping them as cases where key parts of one person's case may actually show up under another's case and where the record of concurrent cases is not displayed. It was realized, however, that creating the day-by-day format beyond March 1692 would grow increasingly difficult.

a website at the University of Virginia, "Salem Witch Trials Documentary Archive" (<http://etext.virginia.edu/salem/witchcraft>), where most of the manuscript images can be seen, although the color images, which are the next best thing to actual manuscript inspection, remain a pending project.

The seemingly straightforward chronological principle would become complicated, not only by the absence of explicit dates on a large number of documents, but also by the fact that many of the documents were later added to by the original recorder, or with other written materials appended to it at various points during the legal process. For an explanation of how documents in the edition are ordered, see "Chronological Arrangement."

One's approach to this rich and varied body of existing witchcraft legal papers must be with the knowledge that it does include meaningful gaps in information and that all the judicial documents give us only a part of the reality of the events. Yet with such cautions in mind, these records

are for us a valuable means of better understanding the 1692 witchcraft cases as seen and perceived over real time by the participants themselves. In spite of the difficulties outlined, such a chronological approach should allow the documents themselves to unravel the story day by day, incident by incident, and legal procedure by legal procedure. This is the "best evidence" we possess in that it survives in its original form. Though it can at times be difficult to decipher the handwriting and spelling, understand the antiquated, arcane language, and plod through the absence of consistent punctuation within the original documents, these artifacts and their accurate transcriptions can speak to the careful reader with extraordinary authority.